

*City of Las Vegas*

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-23373 - APPLICANT: NOELLE SORELL -

OWNER: ST THOMAS CATHOLIC CHURCH

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.**

**ZON-23373 - Staff Report Page One**  
**January 10, 2008 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Rezoning of 2.49 acres from the U (Undeveloped) Zoning District [R (Rural Density Residential) General Plan Designation] to the R-PD4 (Residential Planned Development - 4 units per acre) zoning district on at the southeast corner of Roberta Lane and Apricot Lane.

Accompanying General Plan Amendment (GPA-22587), Variance (VAR-23661), and Site Development Plan Review (SDR-23377) requests accompany this application. Staff has recommended denial of this proposed Rezoning request as it is seen as too great of an increase in density and is dependent upon the approval of the associated Variance (VAR-23661), which has been determined a self-imposed hardship.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/06	The Planning Commission accepted a request from the applicant to Withdraw without Prejudice an application for a Site Development Plan Review (SDR-16849) and related Special Use Permit (SUP-16850) for an 11,590 square foot church with Waivers of perimeter landscape buffers on a 2.5 acre site.
4/14/06	The City of Las Vegas annexed (ANX-10579) 2.5 acres generally located on the southeast corner of Roberta Lane and Apricot Lane.
7/26/07	The Planning Commission accepted a request to Abey this item until the 9/13/07 Planning Commission Meeting.
9/13/07	The applicant requested to table this item until the 9/27/07 Planning Commission Meeting.
9/27/07	The applicant requested to table this item until the 12/06/07 Planning Commission Meeting in order to meet with the neighbors regarding the design of the proposal.
12/06/07	The applicant requested to table this item until the 1/10/08 Planning Commission Meeting in order to revise the renderings of the proposal.
12/12/07	Planning and Development staff contacted the applicant's representative and suggested revisions to the site plan. Staff also offered to meet with the applicant. As of this date, the applicant has not submitted revised plans or called to set up a meeting with staff.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no Building Permits or Business Licenses associated with this property.	
<b><i>Pre-Application Meeting</i></b>	
4/16/07	A Pre-Application Meeting was held where Planning staff advised the applicant of the application requirements for a General Plan Amendment.

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**January 10, 2008 - Planning Commission Meeting**

<b><i>Neighborhood Meeting</i></b>	
6/28/07	A neighborhood meeting was held by the applicant and was attended by 13 members of the public, Councilman Barlow (Ward 5), a representative from the Planning and Development Department, and two applicants. Project concerns were voiced by the public in regards to lot size, building height, site access, traffic impacts, and a request to age restrict any proposed future community development.
<b><i>Field Check</i></b>	
6/21/07	A site visit was conducted to the site and the property is an undeveloped dirt lot surrounded by low density residential to the south, east, and west, and medium low density residential to the north.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.49 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	R (Rural Density Residential)	U (Undeveloped) [R (Rural Density Residential)]
North	Single-family Residential	R (Rural Density Residential)	R-PD6 (Residential Planned Development – 6 units per acre)
South	Clark County - Rural residential	R (Rural Density Residential)	Unincorporated Clark County
East	Clark County - Rural residential	R (Rural Density Residential)	Unincorporated Clark County
West	Clark County - Rural residential	R (Rural Density Residential)	Unincorporated Clark County

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	NA
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

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**January 10, 2008 - Planning Commission Meeting**

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06.040, the following standards are established upon approval of the Rezoning and Site Plan Development Review:*

<b>Standard</b>	<b>Provided</b>
Min. Lot Size	5,270 square feet
Min. Setbacks <ul style="list-style-type: none"> <li>• Front*</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	18 feet 5 feet 11 feet 30 feet
Min. Distance Between Buildings	10 feet
Max. Lot Coverage	38 %
Max. Building Height	2-stories/ 26 feet

*\*Lots shown as 103 and 109 on the Site Plan date stamped: Sep 05, 2007 show setbacks as follows: 16-foot front yard setback, 11-foot corner yard setback, 10-foot side yard setback, and 30-foot rear yard setback.*

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
U (Undeveloped)	2.49 DU/AC	6.20 Units
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD4 (Residential Planned Development - 4 units per acre)	4.59 DU/AC	13.31 Units
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R (Rural Density Residential)	3.59 DU/AC	8.94 Units

*Pursuant to Title 19.12, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer: Min. Trees	1 Tree/30 Linear Feet	NA	19 Trees	Y*
<b>TOTAL</b>		NA	31 Trees	Y*
Min. Zone Width	N/A (6 feet only required along streets classified Collector or larger)		6 feet	Y*
Wall Height	8 feet		8 feet	Y

*\*A six-foot wide landscape buffer is required of all residential developments adjacent to streets classified as collector or larger. The applicant has provided a six-foot landscape buffer along Roberta Road, which is classified as a Local Street. No landscape buffer is required along Apricot Lane as it is classified as a Local Street as well.*

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<b>Open Space – R-PD only</b>		
<b>Total Acreage</b>	<b>Density</b>	<b>Provided</b>
2.49 acres*	4.41 units per acre	4,153 square feet of centrally located and landscaped open space.**

*\*An accompanying Variance (VAR-23661) from the minimum five-acre site area eligible for rezoning to the R-PD (Residential Planned Development) Zoning District has been requested.*

*\*\*Per Title 19.16.040, Residential Planned Developments containing less than 12 dwelling units are not required to provide open space.*

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	11 units	2 spaces/unit	22	NA	22	NA	
TOTAL			22 spaces		22 spaces		Y

## ANALYSIS

- General Plan**

The current R (Rural Density Residential) General Plan Land Use Designation allows for 3.59 dwelling units per acre. The applicant has requested a related General Plan Amendment (GPA-22587) to the L (Low Density Residential) General Plan Land Use Designation which allows for 5.49 dwelling units per acre. The proposed density of this 11-lot residential development of 4.41 units per acre complies with the allowable density of the related General Plan Amendment request but is incompatible with adjacent properties to the east, west, and south, which are developed at a density of 3.59 dwelling units per acre. Therefore, staff recommends denial of this Rezoning request, and the associated requests prepared by the applicant, as this proposal is not compatible with the adjacent properties to the north, east, and west.

- Zoning**

The site is currently zoned U (Undeveloped). This zoning district is functions as a temporary classification to be used. The proposed Rezoning to the R-PD4 (Residential Planned Development – 4 Units per Acre) is comparable in density with the R-1 (Single Family Residential) Zoning District, which is consistent with the related General Plan Amendment request to the L (Low Density Residential) General Plan Land Use category.

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The applicant has requested a Variance (VAR-23661) to allow a 2.49 acre Residential Planned Development where five acres is the minimum allowable size for Rezoning. Because this proposal does not comply with the minimum allowable parcel size for Rezoning as required by Title 19.06.040, staff recommends denial of this request.

**FINDINGS**

**1. “The proposal conforms to the General Plan.”**

Although this request complies with the intent of the General Plan, which encourages the development of vacant infill lots in substantially developed single-family neighborhoods at densities similar to surrounding development, the related General Plan Amendment (GPA-22587) has been recommended for denial do to the 4.41 unit-per-acre proposal being greater than the surrounding 3.59 unit-per-acre density maintained by the unincorporated Clark County properties adjacent to the east, south, and north.

Additional consideration has been given to the necessity of the Variance (VAR-23661) to allow a 2.49 acre Residential Planned Development where Title 19.06.040 requires a minimum five-acre parcel size for rezoning. Since this rezoning is not in compliance with the Title 19 Zoning Code, staff must recommend denial.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

If approved, this Rezoning would allow the establishment of the subdivision’s own development standards upon approval of the associated Site Development Plan Review (SDR-23377) of the R-PD4 (Residential) District. The R-PD (Residential Planned Development) District is intended to provide for the development of single family residential subdivisions which may typically not be compatible with the existing Single Family Residential District Development Standards as listed in Title 19.08.040. This requested Rezoning request and the related Site Development Review (SDR-23377) request are architecturally and aesthetically compatible with the unincorporated Clark County properties to the east, west, and south; However, as the proposed General Plan Amendment (GPA-22587) and the related Variance (VAR-23661) have been determined incompatible with the General Plan and Title 19 Zoning Code, staff recommends denial.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

This proposal seeks an increase housing density of 0.82 units-per-acre greater than the allowable 3.59 units-per-acre maintained by the unincorporated Clark County properties to the south, east, and west of the subject property.

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Additionally, a Variance (VAR-23661) to allow the Rezoning of 2.49 acres where five acres is the minimum size is required prior to approval of this Rezoning request. Although the proposed 4.41 units-per-acre density is lower in density than the R-PD6 (Residential Planned Development – 6 units-per-acre) residential subdivision to the north, staff finds that this required General Plan Amendment (GPA-22587) and Variance (VAR-23661) affiliated with this proposal demonstrates incompatibility with adjacent unincorporated Clark County properties.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Access to the property will be available from Roberta Drive, designated as a Local (50-foot) Street on the Master Plan of Streets and Highways. This street is adequate to meet the traffic demands of this proposed 11-lot single-family residential development.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 4

**NOTICES MAILED** 345

**APPROVALS** 32

**PROTESTS** 4